



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/909,023	08/11/97	KOJIMA	T SONY-P7698

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LM02/0706

EXAMINER	
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ART UNIT	PAPER NUMBER
2715	10

DATE MAILED: 07/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/909,023

Applicant(s)
Kojima

Examiner
Christopher Onuaku

Group Art Unit
2715



☒ Responsive to communication(s) filed on Apr 13, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-32 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/13/00 have been fully considered but they are not persuasive.

Applicant argues that Sasakura fails to teach or disclose input means for inputting a start point and an end point of desired second data out of first data to be recorded or already recorded in the recording medium by the recording means. Examiner disagrees. Sasakura clearly discloses that before the recording operation is performed, system controller 9 causes the head moving mechanism 6 to move the magnetic head 4 over the whole range of recording tracks on the magnetic disc 5 from one track to another track one by one. This way information on the positions of the portions of the tracks of the disc having a signal recorded therein, and portions the tracks of the disc having no signal recorded therein are determined, and this information is stored in a memory which is disposed in the system controller 9. When the recording process starts, the system controller uses this stored information to record data on the portions of the track with no signal recorded therein (see Fig.2; col.4, line 46 to col.5, line 63). Inherently, when the controller 9 is "mapping" the tracks of the magnetic disc 5, the start/end and locations of recorded portion(s) of the track (claimed "second" data) are determined, and also the start/end and locations of unrecorded portions of the magnetic disc 5 are determined. This facilitates continuous recording of "first" data, and eliminates recording over recorded portions ("second" data) of the disc. This clearly reads on the very broadly claimed limitations of claim 1.

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The same line of response applies to the applicant's arguments with respect to the claims dependent on claim 1, the independent claims 9, 16 & 23, and their respective dependent claims.

The rejections are, therefore, maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1 & 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasakura (US 5,940,241).

Regarding claim 1, Sasakura discloses in Fig. 1 & 2 an image signal recording system for recording image signals on a recording medium wherein prior to any recording is started, the recording system is initialized by the control means determining what tracks of the recording medium are recorded tracks and what tracks of the recording medium are not recorded tracks, and storing this information in a memory which is disposed in the system controller 9. The system controller 9 controls the recording means to record only on the tracks that have not been recorded, comprising recording means(see recording signal forming circuit 3, magnetic head 4,

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magnetic disc 5, head moving mechanism 6, and the spindle motor 7); the claimed process of inputting a start point and an end point of a desired "second" data (see the initializing process, the system controller 9 and col.4, line 46 to col.5, line 11); the claimed endless recording (see col.5, lines 43-57; here, once the initializing process is completed and information on the positions of unrecorded tracks is stored in the memory which is disposed in the system controller 9, the system controller 9 controls the recording means to "record endlessly" on the unrecorded tracks of the recording medium); and the claimed control means (see system controller 9; and col.4, line 46 to col.5, line 63).

Regarding claim 3, Sasakura disclose reproducing means for reproducing the "first" data recorded in the recording medium, wherein the start point and end point of the desired "second" data are input by input means from the "first" data reproduced by the reproducing means(see discussions of claim I above; and, col.4, lines 46-65; and col.5, line 64 to col.6, line 26).

Regarding claim 4, Sasakura discloses wherein the reproducing means reproduces the "first" data recorded in the recording medium after a passage of a predetermined period of time in order of recording the "first" data in the recording medium (see col.6, line 17-26), here the "predetermined" period of time is the time it takes the reproducing means to skip data recorded in the "second" portion of the recording medium which do not make up part of the data recorded in the "first" portion,~, since only the data recorded in the "first" portion of the recording medium is

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being reproduced.

Regarding claim 5, Sasakura discloses wherein the control means, when recording means is controlled so as to "endlessly-record" the data in the recording medium, "endless-records the "first" data in a "first" region of the recording medium, and when the start point and end point of the "second" data are input through the input means, controls the recording means so as to "endlessly-record" the "first" data in the "first" region while avoiding a predetermined "second" region of the recording medium(see claim I discussions and col.4, line 46 to col.5, line 63).

Regarding claim 6, Sasakura discloses wherein the control means controls the recording means so as to record the "first" data in a "first" region of the recording medium, and controls the recording means so as to generate assisting data for identifying the "first" data and record the assisting data in a "second" region different from the "first" region of the recording medium (see recording signal forming circuit 3, and system controller 9; and, col.3, line 46 to col.4, line 18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2,7,9-14,16-21&23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasakura in view of Schuler (US 5,532,830).

Regarding claim 2, Sasakura fails to explicitly claim wherein the recording medium is a recording medium capable of non-linear access. Schuler teaches in Fig. 1 an apparatus and method for dynamically composing stored source material for producing a composition sequence, the electronic data necessary to form the composition sequence comprising random access (non-linear) storage means 15 which provides random access capability to Schuler (see col.5, line 49 to col.6, line 11). It would have been obvious to one of ordinary skill in the art to modify Sasakura by realizing Sasakura with random access storage means, as taught by Schuler, in order to provide random access storage capability to Sasakura.

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discuss of claims 3,4&6 above. Schuler further teaches generating assisting data corresponding to the start point and end point of "second" data (see col.7, line 49 to col.8, line 33).

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim I above except for the reproducing means and non-linear accessing of recorded data. Sasakura, further discloses reproducing recorded data (see col.4, line 46 to col.6, line 26). Furthermore, Schuler teaches random access means (see Fig. 1 and storage means 15, col.5, line

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49 to col.6, line 11).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claims 1&9 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claims 4&9 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claims 5&9 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claims 6&9 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claims 7&9 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claims 1&9 above.

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Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 3 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 4 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 5 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 6 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 7 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 9 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 10 above.

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Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claims 10&11 above.

Regarding claim 26, the claimed limitations of claim 26 are accommodated in the discussions of claim 12 above.

Regarding claim 27, the claimed limitations of claim 27 are accommodated in the discussions of claim 13 above.

Regarding claim 28, the claimed limitations of claim 28 are accommodated in the discussions of claim 14 above.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasakura in view of Shirakawa et al (US 5,949,953).

Regarding claim 8, Sasakura discloses wherein the assisting data comprises time code see col.3, line 64 to col.4, line 6). Sasakura fails to disclose wherein the assisting data comprises a file name and a head address. Shirakawa, et al teach a disk media for recording a digital image and a method of and device for recording and playing back a digital image signal on or from such dis wherein recorded GOP, for example, are assigned header addresses to facilitate the location of the GOP in the recording device(-see col.32, lines 26-40, and col.34, line 66 to col.35, line 17), and

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GOP files are assigned file names to facilitate the identification of the GOP files(see col.38, line 54 to col.40, line 41). It would have been obvious to one of ordinary skill in the art to modify Sasakura by assigning header addresses to the recording apparatus of Sasakura, as taught by Shirakawa, to facilitate the location of recorded data in the recording device, and assigning file name to the files of Sasakura, again, as taught by Shirakawa, in order to facilitate the identification of the data files in the recording apparatus of Sasakura.

7. Claims 15,22,30,31&32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasakura in view of Schuler and further in view of Shirakawa et al.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claims 8&9 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 8 above.

Regarding claim 29, the claimed limitations of claim 29 are accommodated in the discussions of claim 15 above.

Regarding claim 30, the claimed limitations of claim 30 are accommodated in the discussions of claim 8 above.

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Regarding claim 31, the claimed limitations of claim 31 are accommodated in the discussions of claim 30 above.

Regarding claim 32, the claimed limitations of claim 32 are accommodated in the discussions of claim 15 above.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The

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examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to:

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

Or:


(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.


COO

6/30/00


Wendy Garber
Supervisory Patent Examiner
Technology Center 2700